

JC06 Re PCT/PTO 23 SEP 2005

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267.187

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Eduardo Trifoni, et al.
Serial No.: 10/524,040
Filed: February 9, 2005
For: MEMBRANE... GENERATOR

1185 Avenue of the Americas
New York, N.Y. 10036
September 23, 2005

RULE 47(a) PETITION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RECEIVED

7 FEB 2006

Legal Staff
International Division

Sir:

Nuvera Fuel Cells Europe S.r.l. petitions the Commissioner of Patents and Trademarks to accept the present application under the provisions of Rule 47(a) as one of the inventors, Eduardo Trifoni, refuses to execute the application and submitted herewith is PTO form 2038 for \$130 petition fee. Without granting the petition, Nuvera Fuel Cells Europe will lose valuable patent rights.

Filed herewith is Applicant's, Marcello Liotta, declaration submitted on behalf of the 2 joint inventors and his assignment to Nuvera Fuel Cells Europe was filed with the applications as can be seen from the copy of the return receipt card.


As can be seen from Ms. Tuosto's declaration filed herewith, he has refused to execute U.S. Patent Application Serial No. 10/517,982 filed December 13, 2004 as well as this application. She contacted Eduardo Trifoni on February 4, 2005 with the present

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01 FC:1464 130.00 DA
02 FC:1463 200.00 DA

application, declaration and assignment for execution, at which time he said he needed time to decide what to do. She followed up with him by e-mail on March 25, 2005 and April 27, 2005 and he responded to the last e-mail by telephone indicating that his letter of November 27, 2004 in which he stated he would not execute the two above noted applications without adequate compensation. A copy of the letter and an English translation are filed herewith.

That at the time the Italian priority application was filed. Eduardo Trifoni was an employee of the Petitioner and according to Italian law, all rights to inventions made by an employee belong to the employer and therefore Nuvera Fuel Cells Europe S.r.l. is the owner of the above patent application. Therefore, the Commissioner is requested to grant the Petition under Rule 47(a) and accept the application without Eduardo Trifoni's signature so valuable patent rights will not be lost by Nuvera Fuel Cells Europe.

Respectfully submitted,
Hedman and Costigan


Charles A. Muserlian #19,683
Attorney for Applicants
Tel. 212 302 8989

CAM:mlp
Enclosures